

REMARKS

In accordance with the foregoing, claim 1 has been amended, claim 15 has been added and claims 3 and 14 have been cancelled. Claims 1-2, 4-11 and 15 are pending and under consideration.

The rejections under 35 U.S.C. § 112 are moot because the rejected claims have been cancelled.

The rejections under 35 U.S.C. §§102 and 103 are respectfully traversed.

Independent claim 1 recites a shape tape attached to the head receiving portion along a lower edge of the head receiving portion. The Examiner relies upon element 17 of Higgs. However, Fig. 1 of the reference illustrates element 17 is a folded portion of the gores. Thus, it is submitted that element 17 is not within the definition of a tape, because it is not a narrow strip, but is instead a portion of a structure that is not a narrow strip. The Examiner's attention is directed to the attached definitions of "tape."

Furthermore, claim 1 recites that the high twist yarn is twisted over 800 times per meter. The Examiner's position that cotton is inherently spun is acknowledged. However, the particular feature of being twisted over 800 times per meter is not taught. An advantage of this feature is that there are slight expansion properties, thereby reducing pressure on the head of a user while still being able to stretch to a good fit. Based on this advantage, the feature is not obvious in light of the cited references.

The remaining references do not overcome these deficiencies.

Accordingly, withdrawal of the rejections is requested.

New claim 15 recites the head receiving portion does not comprise the shape tape. This differs from element 17 of Higgs, which is a portion of the gores.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


Serial No. 10/763,224

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11-8-06

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